

## **I.C.R. 25.1. Death or Disability of Judge**

Idaho Criminal Rule 25.1. Death or Disability of Judge.

(a) During trial. If by reason of death, sickness or other disability, the judge or magistrate before whom a jury trial has commenced is unable to proceed with the trial, any other qualified judge or magistrate, upon agreement of the parties and upon certifying that the judge or magistrate has familiarized himself or herself with the record of the trial, may proceed with and finish the trial. If the parties do not agree to a substitute judge or magistrate, the administrative district judge shall order a new trial.

(b) After verdict or finding of guilt. If by reason of absence, death, sickness or other disability, the judge or magistrate before whom a defendant has been tried is unable to perform the duties to be performed by the court after a verdict or finding of guilt, any other qualified judge or magistrate may perform those duties; but if such other judge or magistrate is satisfied that he or she cannot perform those duties because he or she did not preside at the trial or for any other reason, the judge or magistrate may in his or her discretion grant a new trial.

(Adopted March 30, 1984, effective July 1, 1984.)

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